

UNITED STATES DISTRICT COURT

for the
EASTERN DISTRICT OF WISCONSIN

In the Matter of the Search of

Case Number: 13 m 628

A USPS Express Mail parcel with tracking number EI533141296US addressed to "Miguel Gonzalez, 1009 n 4ave Wausa, WI 54401 (sic)" and containing the return address of "Alex Gonzalez, 21 w Starling Ct, Merced, CA 95340."

USDC EDWI FILED IN GREEN BAY DIV MAY 14 2013 AT _____ O'CLOCK _____ M JON W. SANFILIPPO

APPLICATION & AFFIDAVIT FOR SEARCH WARRANT

I, Matt Schmitz, a federal law enforcement officer, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

A USPS Express Mail parcel with tracking number EI533141296US addressed to "Miguel Gonzalez, 1009 n 4ave Wausa, WI 54401 (sic)" and containing the return address of "Alex Gonzalez, 21 w Starling Ct, Merced, CA 95340."

currently located in the Eastern District of Wisconsin there is now concealed: **Please see attached affidavit, which is hereby incorporated by reference.**

The basis for the search warrant under Fed. R. Crim. P. 41(c) is which is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of a crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Title 21, United States Code, Sections 843(b).

The application is based on these facts:

- ☒ Continued on the attached sheet, which is incorporated by reference.
- ☐ Delayed notice of ____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me, and signed in my presence.

Date 5-14, 2013

City and state: Green Bay, Wisconsin

Applicant's signature
Name and Title: Matt Schmitz, U.S. Postal Inspector

Judge's signature
THE HONORABLE JAMES R. SICKEL
United States Magistrate Judge
Name & Title of Judicial Officer

AFFIDAVIT

Matt Schmitz, United States Postal Inspector, being duly sworn, states the following information was developed from his personal knowledge and from information furnished to him by other law enforcement agents and professional contacts:

1. I have been employed by the United States Postal Inspection Service for approximately nine years and was previously employed as a Police Officer with the City of Middleton (WI) and City of Janesville (WI) Police Departments for a total of six years. As part of my duties as a Postal Inspector, I investigate the use of the U. S. Mails to illegally send and receive controlled substances and drug trafficking instrumentalities. I have participated in investigations which have resulted in the arrest of individuals who have received and distributed controlled substances using the U.S. Mail, as well as the seizure of the illegal drugs and proceeds from the sale of those illegal drugs. My training and experience includes identifying packages with characteristics indicative of criminal activity, namely, the distribution of controlled substances.
2. This affidavit is submitted in support of an application for a search warrant for a 12 inch by 10 inch by 8 inch U.S.P.S. Express Mail parcel with tracking number EI533141296US mailed from Atwater, CA zip code 95301 on May 7, 2013. The parcel is addressed to "Migel Gonzalez, 1009 n 4ave Wausa, WI 54401(sic)" and bears the return address "Alex Gonzalez, 21 w Starling Ct, Merced, CA 95340." This parcel weighs approximately 4 pounds, 12 ounces, and has \$55.00 in postage.
3. On May 9, 2013, I received information from the Wausau, WI Post Office that they had received Express Mail parcel EI533141296US for delivery to "Migel Gonzalez" at 1009 N. 4th Ave, Wausau, WI 54401. The Wausau Post Office told me they attempted delivery of the subject

Express Mail parcel to 1009 N 4th Ave in Wausau, but were told by the resident of that address that no one with the name “Migel Gonzalez” lived there. I also learned from the Wausau Post Office that the parcel weighed approximately four (4) pounds and was mailed from California. I know from my training and investigative experience that controlled substances, specifically marijuana, are commonly mailed from certain states in the United States including California. I also know that individuals mailing marijuana and other controlled substances generally send substantial quantities rather than personal use amounts. My training and investigative experience has shown that most parcels found to contain marijuana hold one pound or more of the controlled substance. I also know that USPS employees, especially those involved in the delivery aspect of postal operations, are knowledgeable about the characteristics of hazardous parcels and parcels that may contain controlled substances. I have had personal contact with Wausau, WI Post Office employees on previous controlled substance investigations in which, upon my direction, they assisted in retrieving parcels suspected of containing controlled substances. For these reasons and for the purpose of conducting further investigation, I directed the Wausau Post Office to send the subject Express Mail parcel to me at the Postal Inspection Service office in Oneida, WI.

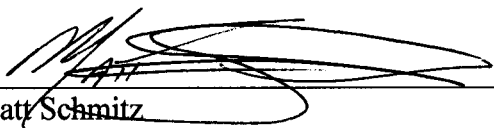
4. On May 13, 2013, I received the subject Express Mail parcel with tracking number EI533141296US at the Postal Inspection Service office in Oneida, WI, and saw that it was addressed to “Migel Gonzalez, 1009 n 4ave Wausa, WI 54401(sic)” with a return address of “Alex Gonzalez, 21 w Starling Ct, Merced, CA 95340.” On May 14, 2013, I queried the Accurint law enforcement database for information on the return address listed on the parcel and learned that the name “Alex Gonzalez” was not known to be associated with “21 w Starling Ct, Merced, CA 95340.” I know from my training and experience in controlled substance investigations that individuals mailing controlled substance often use a fictitious name on the return address as an

effort disguise the true sender's identity from law enforcement. I also know that these same individuals often use a fictitious addressee name in an attempt to disguise the intended recipient of the parcel. I know that when a fictitious addressee name is used on a parcel containing controlled substances it is common that, upon delivery, the parcel is refused considering the occupant of the home at the time of the delivery was not expecting a parcel or did not know that another person in the home was expecting the parcel under a fictitious name.

5. On May 13, 2013, I contacted Wisconsin State Patrol K-9 Trooper Kevin Schneider who agreed to assist with my investigation in presenting the subject Express Mail parcel to a dog sniff. Trooper Schneider is a trained and experienced handler of a certified drug detection dog named "Ema". Trooper Schneider explained that Ema is trained in detecting the presence of marijuana, cocaine, heroin, and methamphetamine, and was last certified in detecting narcotics in October, 2012. Consistent with Trooper Schneider's training, experience, and direction, I placed the subject Express Mail parcel under a plastic container in the enclosed loading dock of the Oneida, WI Post Office. I also placed three (3) other boxes of similar appearance that were known not to contain the odor of controlled substances in the same loading dock under other plastic containers. Ema examined the loading dock and Trooper Schneider said Ema alerted to the presence of controlled substances in the subject Express Mail parcel. I retained custody of the subject Express Mail parcel and currently have it in my custody at the U.S. Postal Inspection Service office in Oneida, WI, in the Eastern District of Wisconsin.
6. Postal Regulation Sec. 274.31 of the United States Postal Service Administrative Support Manual states that no one may detain mail sealed against inspection, except under the following condition: A Postal Inspector acting diligently and without avoidable delay, upon

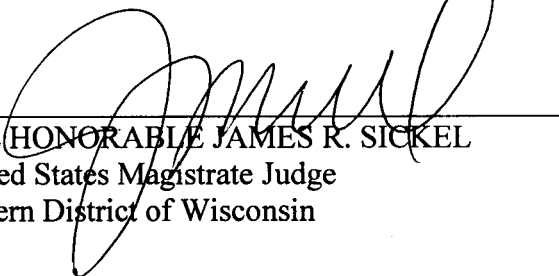
reasonable suspicion, for a brief period of time, to assemble evidence sufficient to satisfy the probable-cause requirement for a search warrant issued by a Federal Court.

7. For these reasons there is probable cause that Express Mail parcel EI533141296US contains controlled substances or controlled substance paraphernalia. I am seeking the issuance of a warrant to search this parcel, and the contents contained therein, for contraband and evidence of a crime, namely, possession and possession with the intent to distribute controlled substances, and use of the mails to commit a controlled substance felony, in violation of Title 21, United States Code, Sections 841(a)(1), 843(b), and 844.



Matt Schmitz
U.S. Postal Inspector

Subscribed and sworn to before me this 14 day of May, 2013.



THE HONORABLE JAMES R. SICKEL
United States Magistrate Judge
Eastern District of Wisconsin